

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE VIVENDI UNIVERSAL, S.A.  
SECURITIES LITIGATION**

**This document relates to:**

**1:08-CV-1983  
1:08-CV-1111  
1:08-CV-950  
1:07-CV-11628  
1:07-CV-10954  
1:07-CV-10578  
1:07-CV-8830  
1:02-CV-5571**

**02 Civ. 5571 (RJH/HBP)**

**NOTICE OF MOTION AND MOTION TO  
ADMIT COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, William H. Narwold, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Applicant's Name: Elizabeth S. Smith

Firm Name: Motley Rice LLC

Address: 28 Bridgeside Blvd.

City/State/Zip: Mount Pleasant, SC 29464

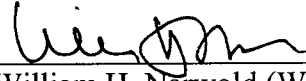
Phone Number: 843-216-9000

Fax Number: 843-216-9430

Elizabeth S. Smith is a member in good standing of the Bar of the State of South Carolina. There are no pending disciplinary proceedings against Elizabeth S. Smith in any state or federal court.

Respectfully submitted this 29th day of February, 2008.

By: MOTLEY RICE LLC

A handwritten signature in black ink, appearing to read 'William H. Narwold', is written over a horizontal line.

William H. Narwold (WN-1713)

MOTLEY RICE LLC

One Corporate Center  
20 Church Street, 17<sup>th</sup> Floor  
Hartford, Connecticut 06103  
Telephone: (860) 882-1676  
Facsimile: (860) 882-1682  
[bnarwold@motleyrice.com](mailto:bnarwold@motleyrice.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<p style="text-align: center;"><b>IN RE VIVENDI UNIVERSAL, S.A. SECURITIES LITIGATION</b></p> <p><b>This document relates to:</b> <b>1:08-CV-1983</b> <b>1:08-CV-1111</b> <b>1:08-CV-950</b> <b>1:07-CV-11628</b> <b>1:07-CV-10954</b> <b>1:07-CV-10578</b> <b>1:07-CV-8830</b> <b>1:02-CV-5571</b></p>	<p style="text-align: center;"><b>02 Civ. 5571 (RJH/HBP)</b></p> <p style="text-align: center;"><b>AFFIDAVIT OF WILLIAM H. NARWOLD IN SUPPORT OF MOTION TO ADMIT COUNSEL <i>PRO HAC VICE</i></b></p>
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William H. Narwold, being duly sworn, hereby deposes and says as follows:

1. I am a member of Motley Rice LLC, counsel for Plaintiff Capital Invest, die Kapitalanlagegesellschaft der Bank Austria Creditanstalt Gruppe GmbH in Docket No. 1:02-CV-5571 and for Plaintiffs in Docket Nos. 1:08-CV-1983, 1:08-CV-1111, 1:08-CV-950, 1:07-CV-11628, 1:07-CV-10954, 1:07-CV-10578 and 1:07-CV-8830. I am familiar with the proceedings in these cases. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiffs' motion to admit Elizabeth S. Smith as counsel *pro hac vice* to represent the Plaintiffs just identified.

2. I am a member in good standing of the bars of the States of Connecticut and South Carolina and the District of Columbia. I was admitted to practice law in 1979. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this court.

3. I have known Elizabeth S. Smith since 2004.

4. Elizabeth S. Smith is a member of Motley Rice LLC and an attorney in good standing of the Bar of the State of South Carolina as evidenced by the annexed certificate of good standing.

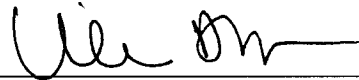
5. I have found Ms. Smith to be a skilled attorney and a person of integrity. She is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

6. I respectfully submit a proposed order granting the admission of Elizabeth S. Smith, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Elizabeth S. Smith, *pro hac vice*, to represent the above-referenced Plaintiffs in the above-captioned matters, be granted.

Respectfully submitted this 29th day of February, 2008.

By: MOTLEY RICE LLC



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William H. Narwold (WN-1713)  
MOTLEY RICE LLC  
One Corporate Center  
20 Church Street, 17<sup>th</sup> Floor  
Hartford, Connecticut 06103  
Telephone: (860) 882-1676  
Facsimile: (860) 882-1682  
[bnarwold@motleyrice.com](mailto:bnarwold@motleyrice.com)

**THE UNITED STATES DISTRICT COURT  
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<b>IN RE VIVENDI UNIVERSAL, S.A. SECURITIES LITIGATION</b>  <b>This document relates to:</b> <b>1:08-CV-1983</b> <b>1:08-CV-1111</b> <b>1:08-CV-950</b> <b>1:07-CV-11628</b> <b>1:07-CV-10954</b> <b>1:07-CV-10578</b> <b>1:07-CV-8830</b> <b>1:02-CV-5571</b>	<b>02 Civ. 5571 (RJH/HBP)</b>  <b>ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION</b>
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Upon the motion of William H. Narwold, attorney for Plaintiff Capital Invest, die Kapitalanlagegesellschaft der Bank Austria Creditanstalt Gruppe GmbH in Docket No. 1:02-CV-5571 and for Plaintiffs in Docket Nos. 1:08-CV-1983, 1:08-CV-1111, 1:08-CV-950, 1:07-CV-11628, 1:07-CV-10954, 1:07-CV-10578 and 1:07-CV-8830, and pursuant to Rule 1.3(c) of the local Civil Rules of this Court, IT IS HEREBY ORDERED that

Applicant's Name: Elizabeth S. Smith

Firm Name: Motley Rice LLC

Address: 28 Bridgeside Blvd.

City/State/Zip: Mount Pleasant, SC 29464

Phone Number: 843-216-9000

Fax Number: 843-216-9430

is admitted to practice pro hac vice as counsel for the above-referenced Plaintiffs in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing

(ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

Counsel shall forward the pro hac vice fee to the Clerk of Court.


DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Richard M. Berman  
United States District Judge

**CERTIFICATE OF SERVICE**

This is to certify that on this 29th day of February, 2008, I served a copy of the foregoing Motion to Admit Counsel Pro Hac Vice with the Admissions Clerk of the United States District Court for the Southern District of New York by overnight delivery. I also caused copies of the same, and of this Certificate of Service, to be served on the following parties by electronic mail and first class, United States mail, postage prepaid:

<p>Morris A. Bowie, II, Esq.  Richard M. Lorenzo, Esq.  James G. Szymanski, Esq.  DAY PITNEY, LLP  875 Third Avenue 28<sup>th</sup> Floor  New York, New York 10022</p>	<p>Martin L. Perschetz, Esq.  Einat Phillip, Esq.  Michael E. Swartz, Esq.  SCHULTE ROTH &amp; ZABEL, LLP  919 Third Avenue  New York, New York 10022</p>
<p>Lisa Albert, Esq.  Michael J. Malone, Esq.  KING &amp; SPAULDING, LLP  1185 Avenue of the Americas  New York, New York 10036</p>	<p>Jonathan D. Polkes, Esq.  James W. Quinn, Esq.  Penny P. Reid, Esq.  WEIL GORSHAL &amp; MANGES, LLP  767 Fifth Avenue  New York, New York 10023</p>
<p>Timothy G. Cameron, Esq.  Michael T. Reynolds, Esq.  Paul C. Saunders, Esq.  Daniel Slifkin, Esq.  CRAVATH, SWAINE &amp; MOORE, LLP  825 Eighth Avenue  New York, New York 10019</p>	<p>Nathan D. Finch, Esq.  CAPLIN &amp; DRYSDALE, CHARTERED  One Thomas Circle, N.W.  Suite 1100  Washington, DC 20005</p> <p>Leslie Margaret Kelleher, Esq.  CAPLIN &amp; DRYSDALE, CHARTERED (NYC)  375 Park Avenue  35th Floor  New York, NY 10152-1100</p>




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William H. Narwold

# **The Supreme Court of South Carolina**

## **Certificate of Good Standing**

I, Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina, do hereby certify that Elizabeth Suzanne Smith was duly sworn and admitted as an attorney in this state on November 13, 2000, and is currently an active member of the South Carolina Bar.

DANIEL E. SHEAROUSE, CLERK

BY Gayle B. Watts  
DEPUTY CLERK FOR BAR ADMISSIONS

Columbia, South Carolina

February 22, 2008